

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Applicant,)
)
)
-against-)
)
)
BLAINE THE BEAUTY CAREER)
SCHOOL OF BOSTON, INC. and BLAINE)
THE BEAUTY CAREER SCHOOL OF)
FRAMINGHAM, INC., d/b/a BLAINE)
BEAUTY SCHOOL)
)
Respondent.)
)

MBD No.

U.S. DISTRICT COURT
DISTRICT OF MASS.

2005 APR 15 P 14 21

FILED
IN CLERK'S OFFICE

05-10173-GAO

APPLICATION FOR ORDER TO SHOW CAUSE WHY
A SUBPOENA SHOULD NOT BE ENFORCED

1. This is an action for enforcement of a *subpoena duces tecum*, pursuant to Section 710 of the Title VII Civil Rights Act of 1964, 42 U.S.C. §2000e-9 (“Title VII”).
2. Jurisdiction is conferred upon the Court by Section 706(f)(3), 42 U.S.C. §2000e-5(f)(3), and by Section 11 of the National Labor Relations Act, 29 U.S.C. §161, as amended, incorporated in Section 710 of Title VII, 42 U.S.C. §2000e-9.
3. Applicant, the Equal Employment Opportunity Commission (“EEOC”), is the Federal Agency charged with the administration, interpretation, and enforcement of Title VII, including, *inter alia*, the investigation of charges of unlawful employment practices, and is authorized to bring this action pursuant to Section 710 of Title VII, 42 U.S.C. §2000e-9.
4. Respondent Blaine the Beauty Career School of Boston, Inc. and Blaine the Beauty Career School of Framingham, Inc., d/b/a Blaine Beauty School (“Respondent”) is a beauty school doing business in the State of Massachusetts.

5. On February 4, 2005, pursuant to its authority under 29 U.S.C. §161, incorporated in §710 of Title VII, 42 U.S.C. §2000e-9, EEOC issued and served upon Respondent a *subpoena duces tecum*, No. NY-A5-003, requiring Respondent to produce information needed as part of EEOC's investigation of a charge of unlawful sex (pregnancy) discrimination, Charge No. 161-2005-00495, which has been filed against Respondent.
6. Respondent has not filed a Petition for Revocation or Modification of the Subpoena.
7. Respondent has failed to comply fully with Subpoena No. NY-A5-003.
8. The accompanying Memorandum in Support of Application for Order to Show Cause, the Affidavit of Robert L. Sanders, Area Director of the Boston Area Office of the EEOC (Exhibit 1 to the EEOC's Mem. in Supp.), and Exhibits A-L thereto, provide the factual support for this Application. The Memorandum in Support, the Affidavit and the additional exhibits are incorporated by reference into this Application.

WHEREFORE, the EEOC prays:

- (a) That the Court issue an Order directing Respondent to appear before this Court and to show cause, if there be any, why an Order should not issue directing Respondent to comply with the EEOC Subpoena.
- (b) That, upon return of the Order to Show Cause, an Order issue directing Respondent to comply with the Subpoena; and
- (c) That the EEOC be granted its costs and such further relief as may be necessary and appropriate.

Dated: Boston, Massachusetts
April 15, 2005

Respectfully submitted,

Elizabeth Grossman
Acting Regional Attorney
EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
New York District Office
33 Whitehall, 5th Floor
New York, NY 10004-2112
Tel: (212) 336-3696; Fax: (212) 336-3623
Elizabeth.Grossman@eeoc.gov

R. Liliana Palacios
Senior Trial Attorney (MA BBO 640786)
EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
Boston Area Office
John F. Kennedy Federal Building,
Room 475
Boston, MA 02203-0506
(617) 565-4804
Rosa.Palacios@eeoc.gov

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served on Respondent's General Manager/Director of Operations, Vicky Jones, 624 Worcester Rd., Framingham, MA 01702, by U.S. Mail, postage prepaid, on April 15, 2005.

Dated: April 15, 2005

R. Liliana Palacios
Senior Trial Attorney